

**TO:** Deputy Chief Administrator  
Civilian Office of Police Accountability

**FROM:** Inv. Brian Killen, #37

**SUBJECT:** Log #1074736  
U #15-06

**REFERENCE:** RD# HY 226-248 (Aggravated Battery: Handgun)  
RD# HY 226-378 (Justifiable Homicide)

**DATE/TIME:** 17 April 2015, 2253 hours

**INVOLVED  
OFFICER #1:** BRUNO, Brendan; Chicago Police Officer, Star #16733; Unit 003; white male; employee # [REDACTED]; DOB: [REDACTED] DOA: 05 October 2012; On duty; Uniformed; Beat 0368D.

**OFFICER #1's  
WEAPON:** Smith & Wesson, Model MP; 9mm semi-automatic pistol; Serial #HAE8653; City Registration # [REDACTED]; FOID # [REDACTED]; Winchester 9mm Luger +P ammunition; 16 live rounds recovered from firearm; weapon capacity of 18 rounds; Fired two (2) times.

**OFFICER #1's  
INJURIES:** None reported

**INVOLVED  
OFFICER #2:** STREEPER, Jason; Chicago Police Officer; Star #13704; Unit 003; white male; Employee # [REDACTED]; DOB: [REDACTED]; DOA: 01 August 2012; On duty; Uniformed; Beat 368D.

**OFFICER #2's  
WEAPON:** Did not fire.

**OFFICER #2's  
INJURIES:** None Reported.

**SUBJECT:** [REDACTED]; Black male; DOB: [REDACTED]; [REDACTED] S. Elizabeth Street, Chicago, IL; IR #1903460.

**SUBJECT'S****INJURIES:**

One (1) gunshot wound to the right side of his back/flank.

**SUBJECT'S****WEAPON:**

Smith & Wesson, Model SW9VE; 9mm semi-automatic pistol; Serial # [REDACTED]; two-tone chrome over black

**DATE/TIME:**

17 April 2015 / approximately 2253 hours.

**LOCATION:**

2138 E. 74<sup>th</sup> Street (sidewalk)  
Beat 1532

**SUMMARY OF INCIDENT:**

On 17 April 2015, Officers Jason Streeper and Brendan Bruno were traveling west on 71<sup>st</sup> Street in their marked Chicago Police SUV. Officer Streeper was driving and Officer Bruno was the passenger. After the officers crossed Paxton Avenue they heard several gunshots nearby. The officers made a U-turn and drove east on 71<sup>st</sup> Street. The officers crossed Paxton Avenue and heard several more gunshots. Officer Streeper then made a three-point turn, positioning their vehicle to travel north on Paxton Avenue, at which time they heard more gunshots. Officer Bruno saw muzzle flashes originating from an individual on the 7000 block of south Paxton.

Immediately after seeing the muzzle flashes, the officers observed a mini-van driving south on Paxton Avenue at a high rate of speed. The mini-van drove past Officers Streeper and Bruno, who were still in their SUV, on Paxton Avenue. The officers pursued the mini-van south on Paxton Avenue to 73<sup>rd</sup> Street, where the van proceeded west and then south in the first alley after Paxton Avenue. The officers continued their pursuit and near the mouth of the alley at 74<sup>th</sup> Street the van slowed down. The mini-van's sliding passenger-side door opened and Mr. [REDACTED] exited the van holding a semi-automatic handgun, running west on the north sidewalk of 74<sup>th</sup> Street.

The officers drove out of the alley and continued to follow the van west on 74<sup>th</sup> Street. As they did, the officers also found themselves driving behind Mr. [REDACTED] traveling in the same direction, as he fled down the sidewalk. The officers saw that Mr. [REDACTED] was still holding a handgun in his right hand. As the officers drove closer, Officer Bruno repeatedly ordered Mr. [REDACTED] to stop and drop his gun. Mr. [REDACTED] turned and pointed his handgun at the officers. Officer Bruno, who was still seated in the passenger seat of the marked CPD vehicle, discharged his firearm twice at Mr. [REDACTED]. Mr. [REDACTED] was struck and fell to the sidewalk. Officer Streeper stopped their vehicle near the intersection of 7400 S. Merrill Avenue, at which time Officer Bruno exited and ran back to where Mr. [REDACTED] had fell as Officer Streeper continued west on 74<sup>th</sup> Street in pursuit of the van. Officer Bruno found that Mr. [REDACTED] had crawled away from the sidewalk onto the street, where he then

stopped. Officer Bruno also observed Mr. [REDACTED] handgun, which was lying on the sidewalk where he initially fell. Moments later, Officer Streeper returned to assist Officer Bruno. The occupants of the mini-van escaped.

Two expended cartridge casings were observed near the north side of 74<sup>th</sup> Street, west of the alley between Paxton and Merrill Avenues. The chrome and black, semi-automatic handgun that Mr. [REDACTED] had in his possession was recovered from the sidewalk at approximately 2138 E. 74<sup>th</sup> Street. OCIC Alexander reported that none of the responding officers touched or handled Mr. [REDACTED] handgun, and that it would be recovered from the sidewalk where Mr. [REDACTED] dropped it. Officers were assigned to stand guard over the pistol until forensics could arrive and process the scene. Mr. [REDACTED] was observed to be wearing one black glove on his right hand.

Throughout the incident Officers Streeper and Bruno made notifications of hearing gunshots; the vehicle pursuit; the shots fired by Officer Bruno; and requested an ambulance for Mr. [REDACTED]. During the pursuit, the officers radioed OEMC the mini-van's license plate and were informed that it was reported stolen.

#### **APPLICABLE RULES:**

Chicago Police Department General Order, GO 03-02-03; Deadly Force

#### **INVESTIGATION:**

**General Offense Case Report (RD# HY226-248 / Aggravated Battery: Handgun)** stated that Officers Bruno and Streeper were on patrol in the area of 7100 S. Paxton Avenue. The officers were traveling west on 71<sup>st</sup> Street when they heard loud gunshots in their immediate vicinity. The officers, in full uniform and in a marked police vehicle, performed a U-turn on 71<sup>st</sup> Street and drove east toward Paxton Avenue. The officers then heard five more gunshots and saw muzzle flashes and commotion from a silver mini-van stopped on the 7100 block of South Paxton Avenue.<sup>1</sup> The mini-van subsequently fled south on Paxton Avenue, crossing 71<sup>st</sup> Street directly in front of Officers Bruno and Streeper, who pursued the vehicle. Officers Bruno and Streeper followed the mini-van first south on Paxton Avenue, then west on 73<sup>rd</sup> Street, then then south through the alley west of Paxton Avenue. Midway through the alley the officers noticed the mini-van's rear passenger sliding door open. When the mini-van reached 7357 S. Merrill, a male<sup>2</sup> holding a handgun in his right hand exited the mini-van from the sliding door. Mr. [REDACTED] then ran west on the sidewalk on the north side of 74<sup>th</sup> Street. The mini-van exited the alley and drove west on 74<sup>th</sup> Street followed by Officers Bruno and Streeper. Officer Bruno, seated in the front passenger seat of the police vehicle, announced his office and ordered Mr. [REDACTED] to stop and drop his handgun. Mr. [REDACTED] turned toward Officers Bruno and Streeper and raised his firearm at them. From his seated position Officer Bruno discharged his firearm twice at Mr. [REDACTED] striking him on his chin and on the right side of his back.

<sup>1</sup> It should be noted that around that time, an individual by the name of [REDACTED] had been shot at [REDACTED] S. Paxton, sustaining a gunshot wound to his left shoulder.

<sup>2</sup> Now known to be [REDACTED]

Mr. [REDACTED] fell to the ground at 2138 E. 74<sup>th</sup> Street. Officer Bruno exited the police vehicle once it reached Merrill Avenue to apprehend Mr. [REDACTED] while Officer Streeper continued the pursuit of the mini-van. Officer Bruno found Mr. [REDACTED] lying in the street. Mr. [REDACTED] was handcuffed and his firearm was found on the ground at 2138 E. 74<sup>th</sup> Street. Officer Streeper stopped following the mini-van at Jeffery Avenue and went back to assist Officer Bruno. Mr. [REDACTED] succumbed to his wounds and was pronounced on the scene by Medical Examiner Investigator Briggs on 17 April 2015, at 0140 hours. (Att. 6)

The Detective's Supplemental Report (RD# HY226-378 / **Justifiable Homicide**) documents that [REDACTED] told detectives he was sitting in the front yard at [REDACTED] S. Paxton Avenue with his brother, [REDACTED] his friend, [REDACTED] and two other unknown male subjects. Mr. [REDACTED] stated that a silver van pulled up and the passenger side sliding door opened. A male black subject emerged from the van and stated, "What's that shit now." The male black subject then repeatedly fired a handgun at Mr. [REDACTED] and his companions. Mr. [REDACTED] immediately felt pain in his left shoulder. Mr. [REDACTED] ran to the rear of a neighbor's home. Mr. [REDACTED] knocked on [REDACTED] door and told him he had been shot. [REDACTED] called an ambulance for Mr. [REDACTED] who was subsequently transported to Jackson Park Hospital.

The Detective's Supplemental Report (RD# HY226-378 / **Justifiable Homicide**) documents that Officer Bruno told detectives that he and his partner, Officer Jason Streeper, were assigned to a violence suppression mission. Officer Bruno was the passenger in the vehicle driven by Officer Streeper. The officers were traveling west on 71<sup>st</sup> Street, near Paxton Avenue, when Officer Bruno heard three gunshots that seemed to come from nearby. Officer Streeper performed a U-turn across the railroad tracks on 71<sup>st</sup> Street and Merrill Avenue. As the officers drove east across Paxton Avenue, Officer Bruno heard several more gunshots and realized that the gunshots were coming from Paxton Avenue. Officer Streeper performed another U-Turn and when Officer Bruno looked north on Paxton Avenue he saw frantic movement near a silver mini-van. Officer Bruno then heard several more gunshots and saw muzzle flashes at the side of the silver mini-van. The mini-van then drove south on Paxton Avenue and across 71<sup>st</sup> Street, passing directly in front of the officers' vehicle. Officers Streeper and Bruno pursued the mini-van south on Paxton Avenue from 71<sup>st</sup> Street. Officer Bruno radioed the van's license plate number and direction of flight. The mini-van turned west on 73<sup>rd</sup> Street and then south in the alley between Paxton and Merrill Avenues, followed by Officers Streeper and Bruno. Officer Bruno saw the van's sliding side door open and saw the van briefly stop near the mouth of the alley near 74<sup>th</sup> Street.

Officer Bruno stated that he saw Mr. [REDACTED] exit the van through the opened sliding door, while holding a handgun in his right hand. Mr. [REDACTED] ran west on the north sidewalk of 74<sup>th</sup> Street while the van drove west on 74<sup>th</sup> Street. Officers Streeper and Bruno continued to follow the van west on 74<sup>th</sup> Street after exiting the alley. Officer Bruno stated that he loudly and repeatedly ordered Mr. [REDACTED] "Stop! Police! Drop the gun!" Officer Bruno explained that Mr. [REDACTED] was approximately 30 feet to the northwest of the officers' vehicle. Officer Bruno stated that Mr. [REDACTED] turned back over his right shoulder and pointed his gun in the officers' direction. Officer Bruno stated that he fired his firearm twice at Mr. [REDACTED] who fell in the grass at approximately 2138 E. 74<sup>th</sup>

Street. Officer Bruno exited the police vehicle near 7400 S. Merrill Avenue and ran to where Mr. [REDACTED] fell, while Officer Streeper continued to pursue the van west on 74<sup>th</sup> Street. Officer Bruno found Mr. [REDACTED] lying in the middle of the street. Officer Bruno radioed that shots had been fired by police and requested EMS for Mr. [REDACTED]. Beat 4112B arrived shortly after and assisted in handcuffing Mr. [REDACTED]. Officer Bruno observed Mr. [REDACTED] handgun on the sidewalk at 2138 E. 74<sup>th</sup> Street, which was the same location where Mr. [REDACTED] pointed his gun at the officers when Officer Bruno fired at him.

The Detective's Supplemental Report (RD# HY226-378 / **Justifiable Homicide**) reported that Officer Streeper related essentially the same information to detectives as Officer Bruno. Officer Streeper stated that after hearing the gunshots and performing a U-turn on 71<sup>st</sup> Street, Officer Bruno told him that he saw muzzle flashes near a mini-van in the middle of the 7000 block of south Paxton Avenue. Officer Streeper stated that the mini-van drove south on Paxton Avenue at a high rate of speed. Officer Streeper related that he saw at least three occupants in the mini-van as they pursued it south on Paxton Avenue. Officer Streeper followed the van south on Paxton Avenue, then west on 73<sup>rd</sup> Street, and then south in the alley between Paxton and Merrill Avenues. Officer Streeper observed that the sliding door on the van's passenger side was opened, causing him to believe that the occupants were preparing to flee on foot. Officer Streeper also added that dispatcher relayed to them that the van was reported stolen.

Officer Streeper told the detectives that the van slowed down as it neared the alley's exit at 74<sup>th</sup> Street. Officer Streeper saw Mr. [REDACTED] exit the van through the opened sliding door and run west on the north sidewalk of 74<sup>th</sup> Street. Officer Streeper saw Mr. [REDACTED] holding a handgun in his right hand after he exited the van. As Officer Streeper followed the van out of the alley and west on 74<sup>th</sup> Street, he intermittently focused his attention on the van and on Mr. [REDACTED] who was running on the sidewalk. Officer Streeper heard Officer Bruno state words to the effect, "stop, Chicago police, drop the weapon." Officer Streeper stated that he saw Mr. [REDACTED] point his handgun in their direction, and that Officer Bruno discharged his firearm at Mr. [REDACTED] from the front passenger seat of the still-moving police vehicle. Officer Streeper stated that Officer Bruno fired twice at Mr. [REDACTED] who immediately fell to the ground. Officer Streeper stated that he stopped the vehicle near 7400 S. Merrill Avenue and Officer Bruno exited the police vehicle to apprehend Mr. [REDACTED]. Officer Streeper then continued to pursue the van. Officer Streeper stated that once he reached Jeffery Avenue he decided to stop pursuing the van and to return to assist Officer Bruno. Officer Streeper stated that when he reached Officer Bruno, he observed that Mr. [REDACTED] was handcuffed in the street. Mr. [REDACTED] handgun was lying on the sidewalk at approximately 2138 E. 74<sup>th</sup> Street. Other police units were also on-scene.

The Detective's Supplemental Report (RD# HY226-378 / **Justifiable Homicide**) reported that Officer Szubski informed detectives that he and his partner, Officer Bernal, responded to the police chase in the vicinity of 7400 S. Merrill Avenue. Officer Szubski stated that when they arrived he saw Mr. [REDACTED] lying face down in the street at approximately 2138 E. 74<sup>th</sup> Street. Officer Szubski assisted Officer Bruno with handcuffing Mr. [REDACTED]. Afterwards, Officers Szubski and Bernal were assigned to guard Mr. [REDACTED] weapon that was still on the sidewalk. Officers Szubski and Bernal

did not witness the shooting involving Officer Bruno and Mr. [REDACTED]

The Detective's Supplemental Report (RD# HY226-378 / **Justifiable Homicide**) reported that Officer Lara told detectives that he and his partner, Officer Herrera, were flagged down by [REDACTED] who told them that a van crashed near his property and that the van's engine was still running. Officers Lara and Herrera found the mini-van in the rear of [REDACTED] S. Jeffery Avenue. A check of the van's license plate confirmed it was the same van involved in the shooting on Paxton Avenue that Officers Streeper and Bruno had pursued.

The Detective's Supplemental Report (RD# HY226-378 / **Justifiable Homicide**) reported that [REDACTED] identified himself as Mr. [REDACTED] stepfather. Mr. Tremble stated that he learned from his daughter, Miata [REDACTED] that Mr. [REDACTED] had been shot by the police. A person named [REDACTED] had told Miata [REDACTED] that Mr. [REDACTED] had been shot.

The Detective's Supplemental Report (RD# HY226-378 / **Justifiable Homicide**) reported that Miata [REDACTED] informed detectives that she received a telephone call from a man named [REDACTED] who told her that the police shot Mr. [REDACTED] Ms. [REDACTED] provided the detectives with [REDACTED] cell phone number. (Att. 100)

[REDACTED] refused to cooperate with this investigation. (Att. 38)

Attempts to contact [REDACTED] in furtherance of this investigation were unsuccessful. (Att. 101)

Although numerous citizens telephoned 911 regarding hearing gunshots, none of the **911 Callers** witnessed the incident and were unable provide any additional information relative to this investigation. (Atts. 25, 39, 40)

Officer Bruno's **Tactical Response Report (TRR)** classified Mr. [REDACTED] as an Assailant using force likely to cause death or great bodily harm with a weapon. The report indicates that Officer Bruno discharged his firearm twice at Mr. [REDACTED] after Mr. [REDACTED] pointed a handgun at him. (Att. 8)

Officer Streeper's **Tactical Response Report (TRR)** classified Mr. [REDACTED] as an Assailant using force likely to cause death or great bodily harm with a weapon. The report indicates that Mr. [REDACTED] pointed a handgun at Officer Streeper. (Att. 10)

A search revealed that no **Police Observation Devices (POD's)** were in the immediate area and therefore no device captured this incident. (Att. 16)

The vehicle assigned to Officers Streeper and Bruno was equipped with an **in-car camera**, but it was not functional and did not record this incident. The CPD's Record Division Services Report indicated that no video was located based on the information provided. (Atts. 4, 95)

The **Chicago Fire Department's Ambulance Report** documents that on 17 April 2015, at 2254 hours, Ambulance #55 was dispatched to 7030 S. Paxton Avenue regarding a gunshot victim. Ambulance #55 arrived at the aforementioned location at 2301 hours and found Tim [REDACTED] suffering from a gunshot wound to his left shoulder. There was an entrance wound and no exit wound. Mr. [REDACTED] told CFD Personnel that he had been sitting on the front porch when an unknown person drove by and started shooting. Mr. [REDACTED] told EMS he heard 6-7 gunshots. At 2306 hours Ambulance #55 departed the scene and transported Mr. [REDACTED] to Jackson Park Hospital. (Att. 24)

During a **Canvass on 18 April 2015**, IPRA Investigators spoke with Ms. Kate Miller<sup>3</sup>, who stated that she was reading in bed when she heard the sound of squealing tires. A moment later, she heard an unidentified person repeatedly yelling, "Get your hands up!" Ms. Miller then heard three gunshots in quick succession. Ms. Miller first checked on her infant daughter and then looked out her window and saw a person lying on the north side of the street, near the alley between Merrill and Paxton Avenues. Numerous police officers began to arrive on the scene. (Att. 18)

A **Canvass on 19 April 2015** did not produce any eyewitnesses or relevant information. (Atts. 19, 20)

A **Canvass on 23 April 2015** did not produce any eyewitnesses or relevant information. (Att. 33)

An **Illinois State Police Division of Forensic Services report, dated 28 May 2015**, indicates that the examination of Mr. [REDACTED] handgun, the magazine, and the live cartridges, recovered from the sidewalk at 2138 W. 74<sup>th</sup> Street, did not reveal any latent prints suitable for comparison<sup>4</sup>. (Att. 41)

An **Illinois State Police Division of Forensic Services report, dated 14 May 2015**, indicates that Officer Bruno's handgun was examined and determined to be functioning properly. One fired bullet, which had been recovered by the Medical Examiner during Mr. [REDACTED] Post Mortem Examination, and two of the recovered cartridge casings were examined and determined to have been fired from Officer Bruno's weapon.

It was also determined that four of the cartridge casings recovered from the street in front of [REDACTED] S. Paxton were fired from an unknown firearm. (Att. 43)

An **Illinois State Police Division of Forensic Services report, dated 27 May 2015**, indicates that seven of the cartridge casings recovered from the street at approximately [REDACTED] S. Paxton Avenue were fired from Mr. [REDACTED] handgun. Mr. [REDACTED] handgun was found to contain four unfired cartridges in the magazine and one unfired cartridge in the chamber. (Att. 45)

---

<sup>3</sup> Ms. Miller's address: 7356 S. Merrill Avenue.

<sup>4</sup> ET Photos taken at the scene show that Mr. [REDACTED] was wearing a black glove on his right hand and his left hand was gloveless.

**An Illinois State Police Division of Forensic Services report, dated 17 May 2015,** indicates that both of [REDACTED] hands were examined for the presence of primer gunshot residue (PGSR) particles. The results of that examination show that Mr. [REDACTED] may not have discharged a firearm with either hand; or, if he did discharge a firearm, then the particles were not deposited, were removed by subsequent activity, or were not detected by the procedure. Mr. [REDACTED] glove, which was removed from his right hand at the Medical Examiner's Office, was also examined for PGSR, and the results of that examination indicated that the glove did have contact with an item bearing PGSR or had been in the environment of a discharged firearm. (Att. 96)

**An Illinois State Police Division of Forensic Services report, dated 18 June 2015,** indicates that none of the suitable latent print impressions recovered from the Dodge van revealed a comparison to [REDACTED] (Att. 55)

**The Office of the Medical Examiner's Postmortem Examination of [REDACTED]** shows that he had been shot one time, with an entrance wound to the right side of his mid-back. The path of the gunshot wound was oriented from back to front, right to left, and upward. There was no exit wound. The fired bullet was recovered from the skeletal muscle of the midline of the anterior chest. Soot, unburned gunpowder particles, or gunpowder stippling were not seen on the skin surrounding the wound or on the clothing near the entrance wound. Mr. [REDACTED] also suffered an abrasion to the left side of his face, his left arm and hand, and his right knee; as well as lacerations to his chin and left hand<sup>5</sup>. It was the opinion of the Medical Examiner that the gunshot wound to Mr. [REDACTED] back caused his death. The results of Mr. [REDACTED] toxicology examination indicated that his blood was positive for ethanol (30 mg/dl) and marijuana (20.4 ng/ml). (Att. 93)

In a statement to IPRA on 20 April 2016, **Officer Brendan Bruno** stated that on the night of the incident he was working with his regular partner, Officer Jason Streeper. Officer Bruno stated that they were both in uniform and assigned a marked police vehicle. Officer Bruno stated that just prior to this incident he and Officer Streeper were traveling west on 71<sup>st</sup> Street approaching Paxton Avenue. Officer Bruno stated that he heard three gunshots nearby. Officer Streeper radioed dispatch that he heard gunshots, and told Officer Bruno that he saw someone to the south of them. Officer Streeper drove west across Paxton Avenue, performed a U-turn, and drove east on 71<sup>st</sup> Street intending to investigate the person he had seen.

As they approached Paxton Avenue again, Officer Bruno heard several more gunshots and saw muzzle flashes coming from the 7000 block of South Paxton Avenue. Officer Bruno stated that Officer Streeper radioed the location of the gunshots. Officer Bruno stated that he saw commotion near a mini-van, located about a third of the way down the block, and then saw the mini-van driving at a high rate of speed south on Paxton Avenue. The mini-van drove south across 71<sup>st</sup> Street directly in front of the officers. With their vehicle's emergency equipment activated, Officers Bruno and Streeper pursued the minivan south on Paxton Avenue, then west on 73<sup>rd</sup> Street, and then south in the first alley west of Paxton Avenue.

---

<sup>5</sup> All consistent with his falling after being shot.



Officer Bruno stated that as they drove south in the alley, the mini-van slowed down and the sliding door on the mini-van's passenger side opened. Officer Bruno believed that one of the occupants was about to exit the mini-van and flee on foot. Just before the mini-van reached 74<sup>th</sup> Street, [REDACTED] exited through the open sliding door. Officer Bruno stated that he saw Mr. [REDACTED] holding a semi-automatic handgun in his right hand. Mr. [REDACTED] proceeded to run west on the sidewalk on the north side of 74<sup>th</sup> Street. Officers Bruno and Streeper followed the mini-van as it exited the alley and drove west on 74<sup>th</sup> Street. Officer Bruno stated that he yelled from the police vehicle at Mr. [REDACTED] to stop and to drop his handgun.

Officer Bruno explained that as Mr. [REDACTED] continued to move west on the sidewalk he turned his upper body in a clockwise direction and pointed his handgun at the officers. Officer Bruno stated that at that point he felt that his life and that of his partner were in danger and he, while still seated inside the moving police vehicle, discharged his firearm twice at Mr. [REDACTED].<sup>6</sup> Officer Bruno stated that after he discharged his weapon, Mr. [REDACTED] immediately fell to the ground.

Officer Bruno explained that Officer Streeper stopped their vehicle once it reached Merrill Avenue, at which time he exited and ran back towards where Mr. [REDACTED] had fallen. Officer Bruno found that Mr. [REDACTED] had moved from where he had originally fell, to the middle of the street. Officer Bruno stated that Mr. [REDACTED] was "layin' there, but he's still moving a lil bit."<sup>7</sup> Officer Bruno added that Mr. [REDACTED] was also, "Just kind of moaning."<sup>8</sup> Additional officers were arriving; one of the responding officers requested an ambulance for Mr. [REDACTED]. Officer Bruno found Mr. [REDACTED] handgun on the ground near where he had initially fell. Officer Bruno stated that a responding officer stood guard over the firearm until it could be properly processed and recovered by the Forensic Investigators. (Atts. 31, 32)

In a statement to IPRA on 20 April 2016, **Officer Jason Streeper** stated that on the night of the incident he was on duty working with his regular partner, Officer Brendan Bruno. Officer Streeper added they were both uniformed and assigned a marked police vehicle. Officer Streeper was the driver and Officer Bruno was the passenger. Officer Streeper stated they were traveling east on 71<sup>st</sup> Street, approaching Merrill Avenue, when he heard 3-5 gunshots. Officer Streeper stated that they radioed that shots had been fired. Officer Streeper stopped and saw an individual on the south side of the street running into the alley. Officer Streeper performed a U-turn and drove west toward Paxton Avenue, at which time he heard 10-15 additional gunshots.

Officer Bruno told Officer Streeper that he saw muzzle flashes coming from north of their position, on Paxton Avenue. Officer Streeper then saw a mini-van traveling south on Paxton Avenue. Officer Streeper stated that the mini-van passed in front of their police vehicle. Officer Streeper activated the vehicle's emergency equipment and followed the mini-van south on Paxton Avenue. Officer Streeper radioed that they were following the mini-van. Officer Streeper stated that the mini-van traveled south on Paxton Avenue, and then west on 73<sup>rd</sup> Street. The mini-van then

---

<sup>6</sup> Transcription of Officer Bruno; P. 21, L. 20 - 22

<sup>7</sup> *Id.*; P. 31, L. 2

<sup>8</sup> *Id.*; P. 31, L. 6

went south in the alley west of Paxton Avenue. As they followed the mini-van south through the alley Officer Streeper saw the mini-van's passenger sliding door open, leading him to believe one or more of the mini-van's occupants intended to exit and flee on foot.

Officer Streeper stated that when the mini-van reached 74<sup>th</sup> Street, he saw Mr. [REDACTED] exit the van from the sliding door and run west on the sidewalk on the north side of 74<sup>th</sup> Street. Officer Streeper stated that he saw Mr. [REDACTED] holding a black handgun, but could not recall which hand he held it in. The mini-van exited the south end of the alley and drove west on 74<sup>th</sup> Street. As Officer Streeper followed the mini-van west on 74<sup>th</sup> Street, he heard Officer Bruno yell, "Chicago police, drop the weapon, drop the weapon, drop the weapon."<sup>9</sup> Officer Streeper turned his attention from the mini-van, to Mr. [REDACTED] who was running on the sidewalk just ahead of their police vehicle. Officer Streeper saw Mr. [REDACTED] pointing a handgun at them as he continued to run west on the sidewalk.

Officer Streeper stated that Officer Bruno then discharged his firearm twice at Mr. [REDACTED] from the passenger seat of their still-moving police vehicle. Officer Streeper stated that after he heard the two gunshots he saw Mr. [REDACTED] fall to the sidewalk. Officer Streeper stopped their vehicle when they reached Merrill Avenue, at which time Officer Bruno exited the police vehicle and approached Mr. [REDACTED]. Officer Streeper continued to follow the mini-van until he reached Jeffery Boulevard, at which time he decided to stop pursuing the mini-van and turned around and went back to assist Officer Bruno. Officer Streeper stated that when he arrived he saw Mr. [REDACTED] lying in the street. Officer Streeper did not know how Mr. [REDACTED] got into the middle of the street. Officer Streeper recalled that Officer Bruno was standing near Mr. [REDACTED] handgun, which was on the sidewalk where Mr. [REDACTED] had originally fell. Officer Streeper stated that he never touched Mr. [REDACTED] handgun, and he never saw Officer Bruno touch it. (Atts. 28, 29)

Submitted:

[REDACTED]  
Brian Kline  
Investigator

**CONCLUSION AND FINDING:**

The Chicago Police Department's General Order governing the Use of Deadly Force is outlined in G.O. 03-02-03, III:

A. "a sworn member is justified in using force likely to cause death or great bodily harm only when he or she reasonably believes that such force is necessary:

1. to prevent death or great bodily harm to the sworn member or to another person, or;
2. to prevent an arrest from being defeated by resistance or escape and the sworn member reasonably believes that the person to be arrested:
  - a. has committed or has attempted to commit a forcible felony which involves the infliction, threatened infliction, or threatened use of physical force likely to cause death or great bodily harm or;
  - b. is attempting to escape by use of a deadly weapon, or; otherwise indicates that he or she will endanger human life or inflict great bodily harm unless arrested without delay."

The officers in this incident were in the area when they heard multiple gunshots. Officer Bruno then saw muzzle flashes coming from an area near a mini-van, further down the block, followed by the mini-van driving away at a high rate of speed. As the officers began to follow the mini-van in their marked Chicago Police vehicle with their emergency equipment activated, Mr. [REDACTED] exited the moving vehicle and began to flee on foot, with a firearm visible in his hand. After Officer Bruno announced his office and ordered Mr. [REDACTED] to drop his weapon, Mr. [REDACTED] partially turned his body and pointed his weapon at the officers. From inside the vehicle, Officer Bruno fired two shots at Mr. [REDACTED] and Mr. [REDACTED] immediately fell to the ground. Mr. [REDACTED] was later determined to have a fatal gunshot wound to his right mid-back area.

The officers later discovered that Mr. [REDACTED] had just participated in a drive-by shooting that had resulted in one person being shot.

Mr. [REDACTED] handgun was later recovered from the sidewalk where he had initially fallen. That handgun was forensically matched to seven cartridge casings recovered from the street in front of the scene of the drive-by shooting. The glove that Mr. [REDACTED] had been wearing on his right hand tested positive for PGSR particles, indicating that it had been in contact with or in the environment of a discharged firearm.

**1. Officer Bruno's belief that Mr. █████ presented a threat of death or great bodily harm to himself and his partner was objectively reasonable under the circumstances.**

As outlined above, the evidence supports that Mr. █████ was armed. The question remains whether Mr. █████ presented an imminent threat of harm to Officers Bruno and Streeper as he fled, particularly in light of the fact that the medical examiner's report documents that Mr. █████ was shot in the back. The facts here support Officer Bruno's perception that Mr. █████ was a potential threat to him and Officer Streeper.

As outlined in the General Order, deadly force is permitted by an officer who reasonably believes it is necessary to prevent death or great bodily harm to the sworn member or to another person. Here, a reasonable officer with Officer Bruno's training and experience would perceive that Mr. █████ presented an imminent threat of death or great bodily harm. Mr. █████ was armed and had demonstrated that he was committed to defeating an arrest.

Officer Bruno issued multiple commands to Mr. █████ to stop running and to drop his weapon, all of which Mr. █████ ignored as he continued to flee in his effort to escape apprehension. Officer Bruno had just witnessed shots fired in the area moments ago and saw Mr. █████ jump out of the mini-van that Officer Bruno believed to be involved in the shooting.

The law is clear and well-established regarding the use of deadly force by police officers. First, the analysis of the circumstances must be from a perspective of "a reasonable officer on the scene, rather than with the 20/20 vision of hindsight . . . We thus allow for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation." *Plumhoff v. Rickard*, 134 S. Ct. 2012, 2020, 188 L. Ed. 2d 1056 (2014), quoting *Tennessee v. Garner*, 471 U.S. 1, 105 S. Ct. 1694, 85 L. Ed. 2d 1 (1985), internal quotation marks omitted. Also, such an analysis must take into account the totality of the circumstances confronting the officer, rather than just one or two factors. *Plumhoff*, 134 S. Ct. at 2020. See also *Scott v. Edinburg*, 346 F.3d 752, 756 (7th Cir. 2003). In this case, Officer Bruno was confronted with a situation where: (1) he had just heard multiple gunshots coming from a mini-van further down the block; (2) he had seen the muzzle flashes coming from that same mini-van; (3) there was also a general commotion surrounding the mini-van; (4) the mini-van then sped past the marked Chicago Police vehicle; (5) that mini-van then continued attempting to evade the police vehicle with its emergency equipment activated; (6) Mr. █████ then jumped out of the moving mini-van; (7) with a weapon visible in his hand; (8) and refused to comply with Officer Bruno's commands to stop and drop the weapon; (9) Mr. █████ then turned and raised his weapon, pointing it at Officer Bruno. In this case, the totality of the circumstances led Officer Bruno to reasonably believe that the use of deadly force was appropriate.

It should be noted that although Officer Bruno had no way to know for certain that Mr. █████ was involved in the drive-by shooting of █████ his perception that he had been was reasonable. Based on the proximity, timing, and the manner in which Mr. █████ was fleeing, it was reasonable for Officer Bruno to surmise that Mr. █████ may have been involved in the shooting that

just occurred. To be sure, an officer is entitled to make judgments based on the knowledge he had at the time: "The objective reasonableness of a police officer's actions depends upon 'the information [the officer] possessed immediately prior to and at the very moment [she] fired the fatal shot.'" *Jaffee v. Redmond*, 51 F.3d 1346, 1353 (7th Cir. 1995), *aff'd*, 518 U.S. 1, 116 S. Ct. 1923, 135 L. Ed. 2d 337 (1996), quoting *Sherrod v. Berry*, 856 F.2d 802, 805 (7th Cir.1988).

Both Illinois and Federal courts also support the notion that police officers are permitted to utilize deadly force when the officer "believes that a suspect's actions [place] him, his partner, or those in the immediate vicinity in imminent danger of death or serious bodily injury." *Scott v. Edinburg*, 346 F.3d 752, 758 (7th Cir. 2003), quoting *Sherrod v. Berry*, 856 F.2d 802, 805 (7th Cir.1988) (en banc) (internal quotation marks omitted). See also *Ford v. Childers*, 855 F.2d 1271, 1275 (7th Cir. 1988) (a reasonable belief that danger exists may be formed by reliance on appearances; a police officer was justified in using deadly force when responding to a bank's silent alarm and based on the information he possessed and the circumstances, the officer reasonably but mistakenly concluded that the fleeing suspect had a weapon).

**2. Officer Bruno's use of deadly force was reasonable notwithstanding the fact that Mr. [REDACTED] appeared to have been walking or running away from the officers.**

Furthermore, case law suggests that Officer Bruno was justified in using deadly force at the moment he did, rather than waiting for Mr. [REDACTED] to fire upon Officer Bruno or anyone else in the area. At the point Officer Bruno saw Mr. [REDACTED] attempting to escape with a handgun, after having just jumped out of a mini-van that may have been involved in a drive-by shooting, Officer Bruno was entitled to use deadly force to prevent Mr. [REDACTED] escape. Courts, in this jurisdiction and across the country, have repeatedly and broadly rejected second-guessing of the split second decisions officers are forced to make in confronting rapidly evolving situations. *Williams v. Indiana State Police Dep't*, 797 F.3d 468, 479 (7th Cir. 2015) See also *Montoute v. Carr*, 114 F.3d 181, 185 (11th Cir. 1997) ("... an officer is not required to wait until an armed and dangerous felon has drawn a bead on the officer or others before using deadly force"); see also *Blanford v. Sacramento County*, 406 F.3d 1110, 1116 (9th Cir. 2005) (concluding that officers did not use excessive force in shooting a suspect who was carrying a sword, had failed to comply with orders to drop the sword, and was attempting to enter a house that—as far as the officers knew—might or might not have been empty, even though the suspect was at all times walking away from the officers and did not actually threaten the officers—or anyone else—with the weapon); see also *Long v. Slaton*, 508 F.3d 576, 581 (11th Cir. 2007), ("Even if we accept that the threat posed by Long to Deputy Slaton was not immediate in that the cruiser was not moving toward Slaton when shots were fired, the law does not require officers in a tense and dangerous situation to wait until the moment a suspect uses a deadly weapon to act to stop the suspect.")

Officer Bruno articulated his observation that Mr. [REDACTED] had turned and pointed the weapon at him, leading Officer Bruno to fear that Mr. [REDACTED] was preparing to fire the weapon at him. In his

statement to IPRA, in discussing his decision to use deadly force, Officer Bruno said that he felt that his life and that of his partner were in danger.

**3. Officer Bruno's use of force was also permissible to prevent an arrest from being defeated by the resistance or escape of a forcible felon.**

The General Order also permits the use of deadly force by an officer who reasonably believes that such force is necessary to prevent an arrest from being defeated by resistance or escape and that the person to be arrested has committed or has attempted to commit a forcible felony. COPA finds that Officer Bruno's use of deadly force was also justified on that basis. An officer with Officer Bruno's training and experience would have been reasonable in believing that Mr. [REDACTED] had committed a forcible felony, namely, attempted murder. Furthermore, Illinois statute 720 ILCS 5/7-5 states that "a peace officer . . . is justified in the use of any force which he reasonably believes to be necessary to effect the arrest and of any force which he reasonably believes to be necessary to defend himself or another from bodily harm while making the arrest. However, he is justified in using force likely to cause death or great bodily harm only when he reasonably believes that such force is necessary to prevent death or great bodily harm to himself or such other person, or when he reasonably believes both that: (1) Such force is necessary to prevent the arrest from being defeated by resistance or escape; and (2) The person to be arrested has committed or attempted a forcible felony which involves the infliction or threatened infliction of great bodily harm or is attempting to escape by use of a deadly weapon, or otherwise indicates that he will endanger human life or inflict great bodily harm unless arrested without delay." 720 ILCS 5/7-5(a)

The CPD Deadly Force policy, reflecting the underlying constitutional safeguards, permits the use of deadly force to prevent the escape of a violent felon. See *Tennessee v. Garner*, 471 U.S. 1, 105 S. Ct. 1694, 85 L. Ed. 2d 1 (1985) (holding that, if an officer has probable cause to believe that a fleeing suspect has committed a crime involving the infliction or threatened infliction of serious bodily harm, deadly force may be used if necessary to prevent escape, and, if feasible, some warning has been given); see also *Ford v. Childers*, 855 F.2d 1271, 1275 (7th Cir. 1988) (en banc) (finding no Fourth Amendment violation when officer fired at a suspect because he reasonably believed that the suspect had committed a felony involving the threat of deadly force, was armed with a deadly weapon, and was likely to pose a danger of serious harm to others if not immediately apprehended). In the case at hand, Officer Bruno reasonably believed that Mr. [REDACTED] had just committed a forcible felony, in that he had just jumped out of a mini-van that was speeding away from the scene of a shooting, while holding a firearm in his hand. Mr. [REDACTED] then ignored Officer Bruno's commands and continued running in an attempt to escape. Because of Officer Bruno's belief that Mr. [REDACTED] had just committed a forcible felony, and the danger to himself and Officer Streeper as well as potentially to any individuals in the area, Officer Bruno was entitled to use deadly force against Mr. [REDACTED] in order to prevent his arrest being defeated by resistance or escape.

In summary, Officer Bruno had heard several gunshots in the area; saw muzzle flashes near a mini-van further down the block; saw that same mini-van speed away from the scene and attempt to evade the police vehicle; observed Mr. [REDACTED] jump out of the mini-van with a firearm in his hand;

and then saw Mr. [REDACTED] turn and point his firearm toward Officer Bruno . Based on the totality of circumstances, Officer Bruno's use of deadly force was objectively reasonable on this basis as well. Therefore, Officer Bruno's use of deadly force against Mr. [REDACTED] was objectively reasonable, and therefore, **WITHIN** the policy of the Chicago Police Department and consistent with Illinois state law and federal case law.

Approved:

[REDACTED]  
Joshua Hunt  
Deputy Chief Administrator